IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No.5470 of 2006

Date of Decision: August 21, 2007

Oriental Bank of Commerce .....Petitioner

Versus

Prithvi Singh .....Respondent

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.Kasturi Lal, Advocate for the petitioner.

S. D. ANAND, J.

The following order was passed by the then learned Civil Judge (Senior Division), Narnaul on 21.1.2006:

> "Warrant of sale received back with the remarks that nobody was ready to purchase the property of JD. Learned counsel had requested for grant of one more opportunity for issuance of sale warrant. Decree holder should have been careful in arranging the potential buyers etc. The process of the court putting the reverse officials etc. on to cannot be put in operation merely at the asking of the decree holder. So this court has reached the conclusion that JD is not a man of sufficient means. Thus, execution petition is dismissed as un-satisfied. File be consigned to record room after due compliance."

As would be apparent from a perusal of the impugned order

itself, it is thoroughly unsustainable. If auction proceedings fixed for a particular date could not be pursued to its logical conclusion for want of a bidder, it was for the learned Trial Court only to at least make another try to get that property auctioned. There is no justification for the learned Trial Court to dismiss the execution as unsatisfied.

The petition shall stand allowed. The impugned order dated 21.1.2006 shall stand set aside accordingly. The learned Trial Court shall proceed further in the matter in accordance with law.

(S. D. ANAND)
JUDGE

August 21, 2007
SRM